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Paper No. 5

Baker & Daniels
205 W. Jefferson Boulevard
Suite 250
South Bend, IN 46601

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OFFICE OF PETITIONS

In re Application of
Yatish J. Joshi et al.
Application No. 09/835,216
Filed: April 13, 2001
For: Collapsible Storage Tank for Liquids

:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:

This is a decision on the petition under 37 CFR 1.47(a), filed April 13, 2001 and again on June 25, 2001.

The petition under 37 CFR 1.47(a) is **granted**.

Petitioner has shown that the nonsigning inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the file will be forwarded to Technology Center AU 3727, for examination in due course.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Larry J. Costa
Costa Technologies
55613 Currant Road
Mishawaka, IN 46545

COPY MAILED

AUG 14 2001

OFFICE OF PETITIONS

In re Application of
Yatish J. Joshi, Larry J. Costa and Louise E. Addicott
Application No. 09/835,216
Filed: April 13, 2001
For: Collapsible Storage Tank for Liquids

Dear Mr. Costa:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will designated therein as a joint inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any patent thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Latrice Bond at (703) 308-6911. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-6911. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Baker & Daniels
205 W. Jefferson Boulevard
Suite 250
South Bend, IN 46601

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re application of:

Yatish J. Joshi, et al.

Serial No: Priority based on Provisional
Application Serial No. 60/198,199

Filed April 19, 2000

Art Unit:

For: COLLAPSIBLE STORAGE TANK FOR
LIQUIDS

COPY

Commissioner for Patents and Trademarks
Washington DC 20231

PETITION
IN ACCORDANCE WITH 37 C.F.R. § 1.47

Joint inventor, Larry J. Costa of the subject patent application has refused to join the attached application for a Collapsible Storage Tank For Liquids, which obtains priority from the Provisional U.S. Patent Application referenced above. Evidence of joint inventor Larry J. Costa's refusal to join the application is provided in the attached Affidavit by Daniel Tychonievich, who has personal knowledge of the facts contained therein, and is the legal representative for joint inventors, Yatish J. Joshi and Louise E. Addicott. The last known address of joint inventor Larry J. Costa is Costa Technologies, 55613 Currant Road, Mishawaka, Indiana 46545.

A check in the amount of \$130 is attached in accordance with the fee set forth in 37 C.F.R. § 1.17(i). Please charge any shortages or credit any overages to the deposit account no. 02-0387.

Respectfully submitted,

A handwritten signature in black ink that reads "Daniel Tychonievich". The signature is written in a cursive style with a large, looped 'D' and a long, sweeping tail for the 'h'.

Daniel Tychonievich
Attorney for Applicant
BAKER & DANIELS
205 W Jefferson Blvd., Ste 250
South Bend IN 46601
(219) 234-4149

DT/pr

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re application of:

Yatish J. Joshi, et al.

Serial No: Priority based on Provisional
Application Serial No. 60/198,199

Filed April 19, 2000

Art Unit:

For: COLLAPSIBLE STORAGE TANK FOR
LIQUIDS

Commissioner for Patents and Trademarks
Washington DC 20231

AFFIDAVIT OF DANIEL TYCHONIEVICH
IN ACCORDANCE WITH 37 C.F.R. § 1.47

I, Daniel Tychonievich, being duly sworn, depose and state that to the best of my knowledge:

1. I am an attorney registered to practice before the United States Patent and Trademark Office (Reg. No. 41,358). I am currently, and have at all times relevant hereto, been an associate at the firm of Baker & Daniels which office is located at 205 W Jefferson Boulevard, Suite 250, South Bend, Indiana 46601
2. I have been retained by GTA Containers, Inc. (GTA) to prepare a patent application for a collapsible storage tank for liquids. Yatish Joshi, owner and president of GTA, informed me that there were three inventors who contributed to the invention. The inventors being himself, Louise E. Addicott, and Larry J. Costa, who was contracted by GTA to assist in the

development of the present invention. I prepared a Provisional Application which was filed on April 19, 2000, and assigned Serial No. 60/198,199.

3. Larry Costa assigned his rights to co-inventor, Yatish Joshi, and subsequently Yatish and co-inventor Louise Addicott, assigned all their rights to GTA. Assignments by the joint inventors; Yatish J. Joshi, Larry J. Costa, and Louise E. Addicott were filed with the Provisional application, and recorded in the U.S. Patent Office at Reel 010760 and Frame 0043.

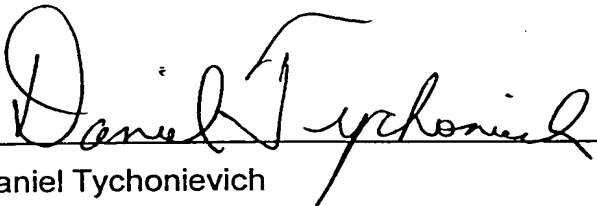
4. Prior to filing this Non-provisional Utility Application based upon the Provisional Application set forth in paragraph 2 above, I forwarded a copy of the application and a Declaration for signature to Larry J. Costa via certified mail/return receipt requested on September 27, 2000. A copy of the cover letter is attached as Exhibit A. Larry J. Costa received and signed for the letter, application, and Declaration on September 29, 2000. A copy of the receipt is attached as Exhibit B.

5. Receiving no response from my letter of September 27, 2000, I sent a second letter to Mr. Costa on November 21, 2000 via certified mail/return receipt requested. A copy of the letter is attached as Exhibit C. In that letter, I referenced my first letter, and requested that Mr. Costa either provide any comments to me or to sign the Declaration within two weeks time from the date of the letter. Mr. Costa signed for receipt of this letter on November 22, 2000. A copy is attached as Exhibit D.

6. Having still not received the signed Declaration or any other response from Mr. Costa, a third letter was sent on February 1, 2001 via certified mail/return receipt requested (Exhibit E), wherein it was clearly stated that if we did not receive the Declaration within ten (10) days or otherwise hear from him, we would consider this as his refusal to sign the Declaration and the application would be submitted without his signature in accordance with Federal Patent Regulation 37 C.F.R. § 1.47. Mr. Costa signed for delivery of this letter on February 2, 2001 (Exhibit F).

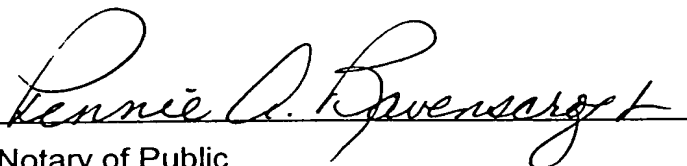
7. Despite having received all three letters, the Patent Application and Declaration, Mr. Costa has not provided a signed Declaration nor contacted me in any manner.

8. The last known address of Larry J. Costa is at Costa Technologies, 55613 Currant Road, Mishawaka, Indiana 46545.


Daniel Tychonievich

April 13, 2001
Date

Sworn to and subscribed before me this 13th day of April, 2001.


Notary of Public

County of: ST. JOSEPH

State of: INDIANA

My commission expires: 8-13-06

BAKER & DANIELS

EST. 1863

FIRST BANK BUILDING · 205 W. JEFFERSON BOULEVARD, SUITE 250 · SOUTH BEND, INDIANA 46601 · (219) 234-4149 · FAX (219) 239-1900 · www.bakerdaniels.com

DANIEL TYCHONIEVICH

DIRECT (219) 239-1966

e-mail: dtychoni@bakerd.com

INDIANAPOLIS

FORT WAYNE

SOUTH BEND

ELKHART

WASHINGTON, D.C.

QINGDAO, P.R. CHINA

September 27, 2000

VIA CERTIFIED MAIL 7099 3400 0006 8245 1138
RETURN RECEIPT REQUESTED

Mr. Larry J. Costa
Costa Technologies
55613 Currant Road
Mishawaka, IN 46545

Re: U.S. Patent Application Serial No: 60/198,199
For: COLLAPSIBLE STORAGE TANK FOR LIQUIDS
Our Ref.: GTA0001 (70704/60006)

Dear Mr. Costa:

Our firm represents Yatish Joshi and GTA Containers, Inc. in patent and other matters. As such, we prepared the attached patent application for a collapsible storage tank. The patent application has already been filed as a provisional application in order to obtain the earliest possible priority date.

As we understand it, you made contributions towards the development of this invention, and you have been listed as a joint inventor. We are also aware of your assignment of rights to this invention to Yatish Joshi and GTA Containers as evidenced by the attached agreement which has already been recorded in the U.S. Patent Office. Accordingly, please review the patent application, sign and date the attached Declaration, and return the original Declaration to us in the attached addressed and stamped envelope.

When all the inventors have signed the Declaration, we will convert the provisional application to a regular U.S. patent application claiming priority on the provisional application.

If you have any questions or comments on any of the foregoing, please contact me.

Sincerely yours,

BAKER & DANIELS



Daniel Tychonievich

DT/mr

Enclosure

cc: Yatish J. Joshi

EXHIBIT

A

SEND		COMPLETE THIS SECTION ON DELIVERY	
<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete item <input type="checkbox"/> Print so that <input type="checkbox"/> Attach or on </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>
1. Article Addressed to: LARRY J. COSTA COSTA TECHNOLOGIES 55613 CURRANT ROAD MISHAWAKA, IN 46545		<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	
2. Article Number (Copy from service label) 7099 3400 0006 8245 1138		<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> EXHIBIT <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px; font-size: 2em;">B</div> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Complete <input type="checkbox"/> Reverse <input type="checkbox"/> Mailpiece, </div>	

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DANIEL TYCHONIEVICH
DIRECT (219) 239-1966
e-mail: dtychoni@bakerd.com

INDIANAPOLIS
FORT WAYNE
SOUTH BEND
ELKHART
WASHINGTON, D.C.
QINGDAO, P.R. CHINA

November 21, 2000

via **CERTIFIED MAIL**
RECEIPT No. 7099-3400-0006-8254-4571

Mr. Larry J. Costa
Costa Technologies
55613 Currant Road
Mishawaka, IN 46545

Re: U.S. Patent Application Serial No: 60/198,199
For: COLLAPSIBLE STORAGE TANK FOR LIQUIDS
Our Ref.: GTA0001

Dear Mr. Costa:

I sent you a letter on September 27, 2000, with the patent application for the above referenced subject matter for GTA Containers, Inc. I trust you have had ample time to review the application, and I have not received any comments from you about it.

GTA Containers, Inc. is anxious to have this patent converted to a regular U.S. Patent Application. As such, could you please return the signed Declaration previously sent to you within two (2) weeks from date of this letter, or let me know within that time if you have any questions or comments.

Sincerely,

BAKER & DANIELS

Daniel Tychonievich
Daniel Tychonievich

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To: LARRY J. COSTA GTA 0001

Postage \$

Certified Fee \$

Return Receipt Fee (Endorsement Required) \$

Restricted Delivery Fee (Endorsement Required) \$

Total Postage & Fees \$

Name (Please Print Clearly) (to be completed by mailer)
COSTA TECHNOLOGIES
Street, Apt. No., or PO Box No.
55613 Currant Rd
City, State, ZIP+4
MISHAWAKA IN 46545

PS Form 3800, July 1999 See Reverse for Instructions

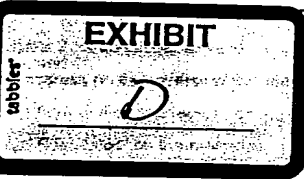
Stamp: NOV 21 2000 SOUTH BEND IN 46601 70704-60006

EXHIBIT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items
- Complete items
- Print your name card to you.
- Attach this form permit.
- Write "Return Receipt" on the Return Receipt delivered.



so that we can return this
back if space does not
the article number.
ivered and the date

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Larry Costa
Costa Technologies
55613 Currant Rd
Mishawaka IN 46545

4a. Article Number

2099 3400 0006 ~~8254~~ 4571

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11 2200

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X: *Larry Costa*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

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DANIEL TYCHONIEVICH
DIRECT (219) 239-1966
e-mail: dtychoni@bakerd.com

INDIANAPOLIS
FORT WAYNE
SOUTH BEND
ELKHART
WASHINGTON, D.C.
QINGDAO, P.R. CHINA

February 1, 2001

via CERTIFIED MAIL
RECEIPT No. 7099-3400-0006-8254-4465

Mr. Larry J. Costa
Costa Technologies
55613 Currant Road
Mishawaka, IN 46545

Re: U.S. Patent Application Serial No: 60/198,199
For: COLLAPSIBLE STORAGE TANK FOR LIQUIDS
Our Ref.: GTA0001

Dear Mr. Costa:

I have previously sent you two certified letters dated September 2, 2000 and November 21, 2000, regarding the above-referenced patent application for GTA Containers Inc. Attached to the first letter was the patent application and Declaration, which I had requested that you review and sign. I have had absolutely no response from you regarding either letter.

Accordingly, if I do not receive the signed Declaration from you within ten (10) days from receipt of this letter or otherwise hear from you, we will consider this as your refusal to sign the Declaration for the application, and the regular US application will be submitted without your signature in accordance with Federal Patent Regulation 37 C.F.R. § 1.47.

Sincerely,

BAKER & DANIELS

Daniel Tychonievich
Daniel Tychonievich

U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Costa Technologies

Postage

\$

Certified Fee

\$

Return Receipt Fee
(Endorsement Required)

\$

Restricted Delivery Fee
(Endorsement Required)

\$

Total Postage & Fees

\$

Postmark
Here

DT
70704-60006

Name (Please Print Clearly (to be completed by mailer))

Larry Costa

Street, Apt. No. or P.O. Box No.

55613 Currant Rd

City, State, ZIP+4

Mishawaka, IN 46545

PS Form 3800, July 1999

See Reverse for Instructions

EXHIBIT

tabbies

E

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Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 or address
- Complete items 3, 4a, 4b.
- Print your name and address on the card to you.
- Attach this form to the front of the mail permit.
- Write "Return Receipt Requested"
- The Return Receipt will show to whom delivered.



I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Larry Costa
Costa Technologies
35613 Currant Rd
Mishawaka IN 46545

4a. Article Number

7099 3400 0006 8254 4465

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2 2 01

5. Received By: (Print Name)

Larry J. Costa

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-98-8-0229

Domestic Return Receipt